

FIRST SCHEDULE

Regulations 2 and 3.

Particulars to be given of accidents

- (1) Full name, address and occupation of injured person;
- (2) Date and time of accident;
- (3) Place where accident happened;
- (4) Cause and nature of injury;
- (5) Name, address and occupation of person giving the notice, if other than the injured person.

SECOND SCHEDULE

Regulation 12.

Time for claiming an increase of benefit

<i>Description of increase</i>	<i>Period</i>
An increase of injury benefit in respect of a child, under section 17 of the Act	21 days
An increase of injury benefit in respect of an adult dependant, under section 18 of the Act	21 days
Unemployability supplement, under section 13 of the Act	6 months
An increase of a disablement pension in a case of special hardship, under section 14 of the Act	3 months
An increase of a disablement pension where constant attendance is needed, under section 15 of the Act	1 month
An increase of a disablement pension during approved hospital treatment, under section 16 of the Act	1 month
An increase of a disablement pension in respect of a child, under section 17 of the Act	1 month
An increase of a disablement pension in respect of an adult dependant, under section 18 of the Act	1 month

Collection of Contributions Regulations

REGULATIONS, DATED 24TH JUNE, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND), 1946.

Appended S.R.O. 1948 (N.I.) 17 1948. No. 258

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of the powers conferred by sections 4(3), 6, 7, 8 and 50 of the National Insurance Act (Northern Ireland), 1946, and sections 3, 5, 63, 66 and 79 of the

National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the National Insurance and Industrial Injuries (Collection of Contributions) Regulations (Northern Ireland), 1948, and shall come into operation on the 24th June, 1948. Citation, commencement and interpretation.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the National Insurance Act (Northern Ireland), 1946;

“the Industrial Injuries Act” means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946;

“the Acts” means the National Insurance Acts (Northern Ireland), 1946;

“the Ministry” means the Ministry of Labour and National Insurance for Northern Ireland;

“insured person” means an insured person under the Act or the Industrial Injuries Act, and includes a person in respect of whom (although not insured) contributions are payable by an employer;

“contributions” means contributions under the Act or the Industrial Injuries Act;

“local office” means an office appointed by the Ministry as a local office for the purpose of the Acts or of these regulations;

“stamp” means an adhesive insurance stamp or, as the case may require, a stamp impressed in accordance with arrangements made under these regulations;

“termination of employment” means the day on which the employment actually comes to an end, whether such termination is in accordance with the terms of the contract or not and whether or not the employment is to be resumed at a later date;

“inspector” includes any person having the powers of an inspector under the Act or the Industrial Injuries Act;

“insurance card” means a card issued in accordance with these regulations for the purpose of the payment of contributions by means of stamps affixed to or impressed on the card;

and other expressions have the same meanings as in the Acts.

(3) References in these regulations to any enactment shall include references to that enactment as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Issue, custody and disposal of cards, etc.

Provisions
as to issue
and custody
of cards, etc.

2.—(1) Every insured person shall apply to the Ministry for an insurance card, and shall obtain such card, on such occasions and in such manner as the Ministry shall direct.

(2) An insured person on his obtaining or on the return to him of an insurance card in accordance with these regulations shall be responsible for its custody unless and until it is delivered or re-delivered to an employer or to a local office or retained by an inspector in accordance with regulations made under the Act or the Industrial Injuries Act.

(3) The Ministry may direct that a person who will attain school-leaving age within twelve months after such direction shall apply for, or obtain, an insurance card as if he were an insured person, and any such person shall comply with such direction accordingly.

(4) Every employer liable to pay contributions in respect of an insured person shall, on the date of the insured person's entry into the employment, or, in the case of a person employed but not yet over school-leaving age, on his attaining that age, obtain from the insured person an insurance card then current, and it shall be the duty of the insured person to deliver or cause to be delivered his insurance card to the employer accordingly:

Provided that, where at the time of his entry into the employment an insured person's insurance card is lodged at a local office, the employer shall be held to have complied with this regulation as soon as he has obtained from the insured person the receipt or token card for such insurance card duly issued by the local office and has despatched it to that local office with a view to obtaining the insurance card:

Provided also that where, in response to an application for an insurance card properly made by an insured person, an insurance card is issued by a local office or inspector direct to his employer, the requirements of paragraphs (1), (4) and (9) of this regulation shall be deemed to have been satisfied as respects that card.

(5) The employer, on obtaining the insurance card, shall become responsible for the custody thereof so long as the employment continues or until the insurance card is returned to the insured person, or delivered to a local office, or retained by an inspector, in accordance with these regulations or any other regulations made under the Act or the Industrial Injuries Act.

(6) The person responsible for the time being for the custody of the insurance card in accordance with these regulations, or any person having in his possession or under his control any insurance card issued in respect of an insured person, shall produce it for inspection at any reasonable time when required to do so by an inspector, and if so required shall deliver up the insurance card to the inspector, who

may, if he thinks fit, retain it. The inspector shall, if required, give a receipt for any stamped insurance card retained by him.

(7) Every insured person shall, within four weeks before the surrender of his insurance card in pursuance of paragraph (2) of regulation 4, sign the card and insert thereon his then present address in the respective places indicated for those purposes on the insurance card.

(8) Every employer having the custody in accordance with these regulations of the insurance card of an insured person shall permit that person to have access to such card for the purpose of signing the card and inserting his then present address, in accordance with paragraph (7) of this regulation, and, in addition and without prejudice to this right, if an insured person desires to inspect his insurance card while it is in the custody of the employer, the employer shall give him a reasonable opportunity of so doing either within or immediately before or after working hours:

Provided that no insured person shall be entitled by virtue of this provision to inspect his insurance card more than once in any one month nor except at such time as may be fixed by the employer for the purpose.

(9) Where an insurance card of any insured person is destroyed or lost, or is defaced in any material particular, the insured person shall apply to the Ministry for a new insurance card, and shall obtain such card, in such manner as the Ministry shall direct:

Provided that where the insurance card is in the custody of an employer at the time it is destroyed, lost or so defaced it shall be the duty of the employer forthwith to report the destruction, loss or defacement of the insurance card to a local office and to the insured person so that he may comply with the provisions of this paragraph.

3.—(1) Subject as hereafter provided in these regulations, the employer shall on the termination of the employment, forthwith return the insurance card to the insured person or where this is impracticable to the local office, Disposal of insurance card on termination of employment, etc.

(2) Subject as aforesaid, where contributions cease to be payable by the employer in respect of the insured person for any period during which the employment still continues, but contributions are payable by the insured person or by some other person in respect of him, the employer shall if so requested by the insured person and unless an emergency card is obtainable by the insured person for the payment of such contributions, return the card to him, and in this event it shall be the duty of the employer, immediately on his again becoming liable to pay contributions in respect of the insured person, to obtain the insurance card from the insured person, and the insured person shall re-deliver the insurance card to the employer accordingly.

(3) The insured person on the termination of his employment shall apply to the employer for the return of his insurance card and, on the insurance card being returned to him, shall give to the employer, if he demands it, a receipt for the insurance card. Where the insurance card is a second insurance card to which paragraph (b) of the proviso to paragraph (1) of regulation 6 applies, the insured person shall, on the insurance card being returned to him, forthwith send it to a local office, unless he immediately re-enters employment to which the said paragraph (b) applies.

(4) If for any reason, other than the loss or destruction of the card, the insurance card is not returned to the insured person in accordance with paragraph (1) of this regulation on the termination of his employment the employer shall forthwith deliver the insurance card to a local office.

(5) If for any reason contributions cease to be payable whether by or in respect of him, an insured person shall forthwith deliver or, if application is made for a second insurance card to which paragraph (b) of the proviso to paragraph (1) of regulation 6 applies, produce his insurance card to a local office or such other place as the Ministry shall direct :

Provided that this paragraph shall not apply—

(a) in the case of an insured person excepted from liability to pay contributions by regulations made under section 5 of the Act (which section relates to exceptions from liability for, and crediting of, contributions), unless the Ministry so directs, or unless and until, apart from such exception, no contributions would be payable in his case ; or

(b) in any case or class of cases where the Ministry directs that it shall not apply.

(6) An insured person or an employer shall comply with any directions which may be given by the Ministry as to the sending to a local office, or, in the case of an employer, as to the return to an insured person, of an insurance card.

(7) On the death of an insured person, the employer, if the insurance card is then in his custody, or any other person having possession or thereafter obtaining possession of the insured person's insurance card, shall forthwith deliver it to a local office.

4.—(1) An insurance card shall be issued without charge to a person properly applying therefor and, when issued, shall remain the property of the Ministry.

(2) An insurance card shall be in such form as the Ministry may direct and shall be current for such period as the Ministry may provide and shall within six days, or such longer time as the Ministry may in any special case allow, after the date on which it ceases to be current, be returned by the person for the time being responsible in accordance with these regulations for the custody of the insurance card, to

a local office, and a fresh insurance card shall thereupon be issued without charge to the person so returning the insurance card:

Provided that, where the Ministry so directs, an insurance card may be exchanged for a fresh card at any time or in a manner other than that prescribed in this regulation.

5.—(1) If either—

- (a) an insurance card is destroyed or lost, or is defaced in a material particular, and a new insurance card has not been obtained, or obtained and delivered to the employer, as the case may be, in accordance with regulation 2; or
- (b) any person in respect of whom contributions are payable or are about to come payable by his employer has not delivered or caused to be delivered to his employer an insurance card;

Emergency
cards.

the insured person, or, if the insurance card should have been delivered to, or was in the custody of, an employer, the employer, shall obtain a card (hereafter in these regulations referred to as "an emergency card") from a local office in such manner as the Ministry shall direct, but an emergency card shall be deemed to be an insurance card only for the purposes of the provisions of these regulations relating to the stamping of insurance cards and to deductions from wages in respect of stamps affixed or impressed by employers, and to the production of insurance cards to an inspector.

(2) An emergency card shall be in such form as the Ministry may direct and shall be current during such period, not exceeding thirteen weeks, as may be specified thereon, and when issued shall remain the property of the Ministry, and shall, at the end of such period, or, in the case of a card issued to an employer, on the previous termination of the employment, be returned by the person to whom the card was issued to the local office from which it was issued:

Provided that if the insured person before such date delivers or causes to be delivered to the employer an insurance card in accordance with these regulations, the employer shall forthwith return the emergency card to the local office from which it was issued, having first entered in the space marked for that purpose on the emergency card the national insurance number of the insured person shown on the insurance card so delivered to the employer.

(3) Where contributions cease to be payable by an employer in respect of an insured person for any period during which the employment still continues, but contributions as a non-employed person are payable by the insured person, the insured person shall obtain an emergency card in accordance with the preceding provisions of this regulation:

Provided that any such emergency card shall be returned to the local office from which it was issued as soon as contributions as an employed or a self-employed person become payable in respect of him or when his employer returns his insurance card to him or when the emergency card ceases to be current, whichever first occurs.

Method of and time for payment of contributions, etc.

6.—(1) Every contribution which is payable shall, except as herein otherwise provided, be paid by the affixing of a stamp to the insurance card of the insured person in the space indicated for that purpose upon the insurance card :

Provided that—

- (a) where more than one contribution (other than a contribution as a self-employed or non-employed person) is payable in respect, or on behalf, of an insured person in any one contribution week, payment shall be made by the affixing by the employer of a single stamp in respect of all such contributions ;
- (b) where under the provisions of these regulations a stamp is to be affixed by an employer in payment of a contribution in respect, or on behalf, of an insured person, and for the same contribution week a contribution is payable by that person as a self-employed or non-employed person, the insured person shall retain his insurance card and affix a stamp thereto in payment of the contribution as a self-employed or non-employed person, and a second insurance card (which shall be obtained and delivered to the employer in accordance with regulation 2) shall be used for the stamp to be affixed by the employer.

(2) An employer who is liable to pay contributions in respect, or on behalf, of an insured person shall (except as provided in the next following paragraph) pay those contributions at the following times, that is to say :—

- (a) where he pays to the insured person wages or other pecuniary remuneration in respect of the employment of such insured person—

before paying to the insured person the wages or remuneration in respect of the period for which a contribution is payable ;

- (b) where he does not pay to the insured person wages or other pecuniary remuneration in respect of the employment—

on the first day of employment in each contribution week.

(3) Where an insured person's remuneration for any period is paid in advance by an employer, the employer shall pay contributions in advance for that period before the payment of the remuneration.

(4) In addition to his obligation to comply with any other requirement of the Acts or of these regulations, it shall be the duty of the employer to pay all contributions due from him but still outstanding in respect of any insured person—

- (a) forthwith on the termination of the employment ;
- (b) within six days after the expiration of the period of currency of the insurance card ;
- (c) within forty-eight hours after being requested to do so by the insured person.

(5)—(a) The Ministry may, if it thinks fit, and subject to such terms and conditions as it may impose, approve any arrangements whereby contributions are paid at times, or in a manner, other than those prescribed in this regulation (whether by the use of impressed stamps or otherwise), and any such arrangement may include provision for the payment to the Ministry of such fees as may be determined by the Ministry, with the concurrence of the Ministry of Finance, to represent the estimated additional expense in administration to the Government departments concerned, and may, as a condition of authorising the payment of any contribution at a date later than that upon which the wages or other pecuniary remuneration for any part of the period in respect of which the contributions payable are paid, require the making of such deposit of money by way of security as the Ministry may approve.

(b) The provisions of these regulations shall, subject to the provision of the arrangements, apply to any persons affected by the arrangements, and any contravention of, or failure to comply with, any requirement of the arrangements shall be deemed to be a contravention of or failure to comply with these regulations.

(6) An insured person who is liable to pay contributions as a self-employed or as a non-employed person under the Act shall pay those contributions not later than the last day in the contribution week in respect of which the contribution is due :

Provided that this provision shall not apply to an insured person who is in receipt of a pension or allowance payable by the Minister of Pensions, in respect of a period during which contributions payable by the insured person are paid at his request by that Minister in pursuance of any arrangements made under paragraph (5) of this regulation.

(7)—(a) A person shall, immediately after affixing a stamp to any insurance card, cancel the stamp by writing in ink, or stamping

with a metallic die with black indelible ink or composition across the face of the stamp, the date upon which it is affixed and not otherwise, but, save as expressly provided in regulations made under the Act or under the Industrial Injuries Act or as specially authorised by the Ministry, no other writing or mark and no perforation shall at any time be made on or in, affixed to or impressed on an insurance card or stamp.

(b) An employer may, if he thinks fit, inscribe upon the insurance card of any insured person employed by him, on any part of the card not designated for any specific purpose, the number of that insured person upon the pay list or in the books of the employer.

Recovery by employers of contributions paid on behalf of insured persons.

7.—(1) An employer shall be entitled to recover from an insured person, subject to and in accordance with the provisions of this regulation, the amount of any contribution paid or to be paid by him on behalf of that person :

Provided that the amount of any contribution not yet paid shall not be recoverable except under and in accordance with the next following paragraph.

(2) Where the insured person receives any wages or other pecuniary remuneration from the employer, the amount of any contribution paid or to be paid by the employer on behalf of the insured person, notwithstanding the provisions of any contract to the contrary, shall be recoverable by means of deductions from the wages of that person or from any other remuneration due from the employer to that person and not otherwise :

Provided that—

- (a) no such deduction may be made from any wages or remuneration other than such as are paid wholly or partly in respect of the contribution week or part of the contribution week for which the contribution is payable or may become payable, as the case may be ; and
- (b) no such deduction may be made of any contribution not yet paid except where it is not payable until after the date when the said wages or remuneration are paid.

(3) Where the wages or other pecuniary remuneration of an insured person are paid at calendar monthly intervals, it shall, notwithstanding the provisions of the last preceding paragraph of this regulation or of subsection (2) of section 5 of the Industrial Injuries Act (which subsection relates to the recovery of contributions), be lawful for the employer, at his option, to recover from each such payment of wages or remuneration, in lieu of the amount authorised to be recovered by him in accordance with the said provisions, an amount equal to one-twelfth of the contributions paid or to be paid by the employer on behalf of the insured person during the calendar year:

Provided that—

- (a) where the employment commences after the beginning, or is to be terminated before the end, of a calendar year, the contributions paid or to be paid by the employer on behalf of the insured person during the calendar year shall be calculated for the purpose of ascertaining the said fraction of one-twelfth as though the employment continued throughout that year ;
- (b) in calculating the said fraction of one-twelfth, fractions of a penny may be disregarded ;
- (c) such adjustment (whether by way of repayment or increased or reduced deduction or otherwise) as may be necessary to secure that the amounts which have been recovered in accordance with this paragraph are, when so adjusted, equal to the amounts which could have been recovered in accordance with the aforesaid provisions, shall be made between the employer and the insured person—
 - (i) on the termination of the employment ;
 - (ii) not later than three calendar months after any contribution week (being a week in respect of which an amount has been recovered by the employer under this paragraph) during which week the insured person is incapable of work and in respect of which no contributions as an employed person were payable by virtue of subsection (3) of section 4 of the Act or of subsection (2) of section 3 of the Industrial Injuries Act (which relate to excusal of contributions during periods of incapacity for work) ;
 - (iii) at intervals of not more than one year during the employment ;
- (d) for the purpose of this paragraph, an employment in relation to which—
 - (i) the employer begins, or ceases, to recover amounts in accordance with this paragraph of this regulation ; or
 - (ii) contributions on behalf of the insured person cease to be payable or become payable at a different rate ;

shall be treated as commencing, or terminating, upon that event.

(4) Where the insured person does not receive any wages or other pecuniary remuneration from the employer but receives such remuneration from some other person, the amount of any contribution

paid by the employer on behalf of the insured person shall (without prejudice to any other means of recovery) be recoverable from the insured person summarily as a civil debt, if proceedings for the purpose are instituted within three months from the date on which the contribution was payable.

(5) Where the insured person does not receive any wages or other pecuniary remuneration either from his employer or from any other person, the employer shall be liable to pay the contributions payable both by himself and the insured person and shall not be entitled to recover any part thereof from the insured person.

Employment by two or more employers, and by intermediate employers.

8.—(1) Where an insured person is employed by two or more employers in any contribution week, the first employer employing him in that week shall, subject to the following provisions of these regulations, be treated as his employer for the purposes of the provisions of the Acts relating to contributions.

(2) Where an insured person is employed by two or more employers in any contribution week and no one of those employers is the first person employing him in that week, then, unless the case is one for which other provision is expressly made by these regulations, that one of the employers who first makes a money payment to the person employed in respect of his employment in that week shall be deemed to be the employer of that person for the purposes of the provisions of the Acts relating to contributions.

(3) In the case of an insured person employed as an agent by two or more employers and paid by commission or fees or a share in the profits, or partly in one and partly in another of those ways, the employer in the employment on which the person employed as an agent is mainly dependent for his livelihood shall be deemed to be the employer of that person for the purposes of the provisions of the Acts relating to contributions.

(4) Where an insured person employed in any of the employments specified in the first column of the schedule to these regulations works under the general control and management of the person (being a person other than his immediate employer) specified in the corresponding entry in the second column of that schedule, that person (in this regulation called "the principal employer") shall, notwithstanding that he is not the immediate employer of the insured person, be treated as the employer for the purposes of the provisions of the Acts relating to contributions, and those provisions and the provisions of these regulations shall be construed and have effect as if that person were the immediate employer of the insured person:

Provided that the principal employer shall be entitled to deduct the amount of any contribution paid by him on behalf of any insured person whose employer he is deemed to be by virtue of this regulation from any sums payable by him to the immediate employer in respect

of the period or any part of the period for which the contribution has been paid, and, upon any such contribution being so paid by the principal employer, the immediate employer shall be entitled to recover from the insured person the like sum and in the like manner as if he had paid the contribution.

(5) Where but for the provisions of this paragraph different employers would, in the same contribution week, be liable to pay contributions under the Act and the Industrial Injuries Act respectively in respect of an insured person, the employer who is liable to pay contributions under the Act shall be deemed to be that person's employer for the purpose of the provisions of the Industrial Injuries Act relating to contributions :

Provided that no employer shall be so deemed unless he would, but for the insured person having other employment in that week, have been liable to pay contributions under the Industrial Injuries Act in respect of that person.

9.—(1) Where any insured persons are ordinarily employed by two or more employers in a contribution week, the employers, or any class or group of the employers, of those persons may, if they think fit, submit to the Ministry a scheme for the payment of contributions in respect, or on behalf, of those persons.

Scheme for
payment of
contribu-
tions
by grouped
employers.

(2) Where the Ministry is satisfied that any scheme so submitted to it is such as to secure the due payment of the contributions payable in respect, or on behalf, of every insured person to whom the scheme applies for every contribution week during any part of which he is employed by any employer who is a party to the scheme, it may, if it thinks fit, approve the scheme.

(3) Any such scheme may make such modifications in these regulations as may be necessary to give effect to the arrangements made under the scheme.

(4) Where a scheme has been approved by the Ministry, the parties to the scheme who have employed any person to whom the scheme applies in the course of a contribution week shall, in respect of that week, be deemed jointly to be the employer of that person for the purposes of the provisions of the Acts relating to contributions.

10.—(1) Notwithstanding anything in these regulations, where an insured person is ordinarily employed by two or more employers in a contribution week, the employers of that person may enter into an agreement for the payment of contributions in respect of that person in such form as the Ministry may approve, and, where any such agreement is entered into between any such employers, the following provision shall have effect :—

Agreement
to pay
contribu-
tions by
two or more
employers.

(a) Where in any week the person in respect of whom the agreement is made is, before any contribution has become payable in respect of him for that week, employed by an

employer who is not a party to the agreement, that employer shall, for the purposes of the provisions of the Acts relating to the payment of contributions, be deemed to be the employer of that person for that week.

- (b) If, in any week, a contribution is payable by the employers who are parties to the agreement or by any of them, that contribution shall, in the first such week, be paid by that one of the parties to the agreement employing the insured person during that week whose signature to the agreement appears first in order, and, in any subsequent week, by that one of the parties to the agreement employing the insured person during that week whose signature to the agreement is next in succession to that of the person who paid the last weekly contribution payable by the parties to the agreement, and for this purpose the signatures of the parties shall be read in rotation, the first signature to be deemed to be next in succession to the last and the signature of any person who does not employ the insured person during that week being disregarded.
- (c) The employer whose duty it is to pay the contribution for any week shall be deemed to be the employer of the insured person for the purposes of the provisions of the Acts relating to contributions.
- (d) Any one of the parties to the agreement may, immediately after paying a contribution, but not at any other time, strike out his signature to the agreement and write his initials with the date opposite his signature and, upon so doing, he shall cease to be a party to the agreement, and the insured person may, upon ceasing to be employed by any person who is a party to the agreement, strike out from the agreement the signature of that person, and on so doing shall write his own initials with the date opposite the signature struck out.
- (e) If at any time any other person employing or about to employ the insured person desires to become a party to the agreement, he may, subject as hereinafter provided, affix his signature with the date at the end of the signatures appended to the agreement, and this regulation shall thenceforward apply to him in like manner as if he had been an original party to the agreement :

Provided that, where a contribution would be payable in any week in respect, or on behalf, of the insured person by any such other person if that person did not become a party to the agreement, that person shall not be entitled to affix his signature as aforesaid unless and until he has paid any contribution so payable.

(2) Employers desiring to enter into an agreement for the purposes of this regulation shall enter their names and addresses in a book to be issued for the purpose by the Ministry, and every such book shall be signed in each week by the employer paying the contribution in respect of that week.

(3) Upon the termination of the period specified in any such book the agreement shall cease to be binding upon the employers, and any person having possession of the book shall forthwith return it to the Ministry.

11. For the purposes of—

(a) subsection (3) of section 4 of the Act (which provides for the disregarding of employed contributor's employment where no services are rendered, and, except in certain cases, where no remuneration is paid), as respects any employed contributor's employment; and

Contributions during holidays.

(b) those provisions of Part I of the Industrial Injuries Act which relate to the payment and recovery of contributions;

if no services are rendered by an insured person during any contribution week and during the whole or part of that week that person is on holiday, any payments which he receives or is entitled (whether conditionally or not) to receive before, during or after that week, and which are, or would be ordinarily, applied to, or would secure that money is available for, meeting expenditure incurred or to be incurred for or during that week shall be deemed to be remuneration paid in respect of those days in that week on which he is on holiday, if the said payments are made or to be made out of funds provided wholly or partly by his employer:

Provided that this regulation shall not apply to any week where the said payments in respect of that week do not exceed twenty shillings.

Arrangements

12.—(1) In accordance with the provisions of paragraph (a) of subsection (1) of section 7 of the Act (which paragraph provides for co-ordination with, and modification of, the Industrial Injuries Act), the provisions of subsection (5) of section 3 of, and of Part IV of the Second Schedule to, the Industrial Injuries Act shall be modified in manner following, that is to say, by the addition, at the end of the said subsection (5) and also after the words "employment exchange" wherever they occur in the said Part IV (except in paragraph 2), of the words "or other agency approved by the Ministry".

Arrangements for payment of contributions through employment exchange or other approved agency.

(2) Every application by an employer for an arrangement under the provisions of subsection (5) of section 6 of the Act, or under the said provisions of subsection (5) of section 3 of, and of Part IV of the Second Schedule to, the Industrial Injuries Act, shall be in such form as the Ministry may direct.

(3) Every arrangement made under either of the said provisions by the Ministry with an employer for the performance by an employment exchange or other agency approved by the Ministry of all or any of the duties of the employer required under the Act or under the Industrial Injuries Act, shall provide that the employer shall deposit with the Ministry a sum sufficient to cover the estimated maximum amount of the contributions payable by the employer during a period of fourteen weeks, or such less period as may be agreed between him and the Ministry, both on his own behalf and on behalf of the persons in respect of whom the arrangement is made, and that the employer shall not, unless such a deposit is made, be entitled to make any deductions from any wages or other remuneration due by him to those persons in respect of contributions so payable as aforesaid.

(4) Every person to whom the arrangement applies shall have the same right of inspecting his insurance card while it is in the custody of such employment exchange or other agency under the arrangement as he would have had if the insurance card had been in the custody of the employer, and the provisions of regulation 2 shall apply accordingly, and any such arrangement shall provide that the person shall be in a position, as regards obtaining possession of and making delivery of any insurance card, which is at least as favourable as under the foregoing provisions of these regulations.

(5) Every such arrangement shall provide for the payment by the employer of a sum calculated in accordance with a scale approved by the Ministry of Finance for the performance by the employment exchange or other agency approved by the Ministry on behalf of the employer of such of the duties imposed on him by the Acts as are performed by the said employment exchange or other agency under the arrangement.

(6) The Ministry may at any time by notice in writing cancel as from the date specified in the notice any such arrangement if, in its opinion, the employer ceases to comply with any of the conditions contained therein or in these regulations :

Provided that—

- (a) the employer shall be entitled to receive any sum that may be repayable in respect of the balance of the deposit held by the Ministry as aforesaid ; and
- (b) the employer shall be liable to pay any sums payable under the arrangement to the Ministry in respect of any period during the currency of the arrangement.

13.—(1) No person shall assign or charge or agree to assign or change any insurance card or emergency card, and any sale, transfer or assignment of, or any charge on, any insurance card or emergency card shall be void and of no effect.

Insurance cards not to be assigned, defaced, etc.

(2) No person shall deface or destroy any insurance card or emergency card or, save as authorised by the Ministry, alter, amend or erase any of the figures or particulars (other than to amend the address of the insured person) therein contained.

(3) For the purposes of this regulation, a person who removes or erases from any insurance card or emergency card a stamp which has been affixed thereto or impressed thereon shall be deemed to have defaced that insurance card or emergency card.

Offences and penalties

14. If any person contravenes or fails to comply with any requirement of these regulations, in respect of which no special penalty is provided, he shall, for each offence, be liable on summary conviction to a penalty not exceeding ten pounds, or where the offence consists of continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued. Breach of regulations.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 24th day of June, 1948, in the presence of

L.S.

William Allen,

Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 24th day of June, 1948, in the presence of

L.S.

John I. Cook,

Assistant Secretary to the Ministry of Finance for Northern Ireland.

SCHEDULE

Employment	Principal Employer
1. Employment in a coal mine within the meaning of the Coal Mines Act, 1911.	1. The owner of the mine within the meaning of the said Act.
2. Employment in a metalliferous mine within the meaning of the Metalliferous Mines Regulation Acts, 1872 and 1875.	2. The owner of the mine within the meaning of the said Acts.
3. Employment in a quarry under the Quarries Act (Northern Ireland), 1927.	3. The occupier of the quarry for the purposes of the said Act, or if the owner of the quarry for the purposes of the said Act is in actual use or occupation of the whole or any part thereof for the purpose of getting minerals therefrom, the said owner.

Employment	Principal Employer
4. Employment in a factory within the meaning of the Factories Act (Northern Ireland), 1938, or any enactment amending or made in substitution for that Act (not being a tenement factory).	4. The occupier of the factory.
5. Employment in the trade of building or of the construction of works where the immediate employer of the insured person himself works wholly or mainly by way of manual labour in or for the business of the principal employer and where the principal employer has a right to the exclusive services of the immediate employer of the insured person.	5. The person in whose business or for the purposes of whose business the insured person is employed.
6. Employment in a tenement factory within the meaning of the Factories Act (Northern Ireland), 1938, or any enactment amending or made in substitution for that Act, where the owner of the factory has a right to the exclusive services of the immediate employer of the insured person.	6. The owner of the factory.

For the purpose of paragraph 5 of this schedule "building" means the construction, alteration, repair, decoration or demolition of buildings, including the manufacture of any fittings of wood of a kind commonly made in builders' workshops or yards, and "construction of works" means the construction, reconstruction or alteration of railroads, docks, harbours, canals, embankments, bridges, piers or other works of construction.

Determination of Claims and Questions

REGULATIONS, DATED 25TH JUNE, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1948. No. 201

The Ministry of Labour and National Insurance, in exercise of the powers conferred by sections 36 (1), 38 (3), 39, 41, 42 (2), 43, 46 (1), 47, 48, 51, 52 (2) and 85 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

PART I

General

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations (Northern Ireland), 1948, and shall come into operation forthwith.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946;

“ the Ministry ” means the Ministry of Labour and National Insurance for Northern Ireland;

“ applicant ” in section A of Part II of these regulations means any person who has made an application to the Ministry for the determination of a question to which that section relates;

“ the umpire ” means the umpire appointed by the Governor of Northern Ireland for the purposes of the Act, and any deputy umpire so appointed;

“ hearing ” means an oral hearing;

“ inquiry ” means an oral inquiry;

“ an interested person ” in Parts III and IV of these regulations means, in relation to any appeal, any person whose right to benefit is or may be, under the Fourth Schedule to the Act, affected by the decision appealed against;

references to a case being referred to a local appeal tribunal shall be construed as including references to a claim or question being so referred;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last-known address.

(5) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

PART II

Determination of special questions

Section A. Certain questions required to be determined by the Ministry under section 36 (1) (a) of the Act

2.—(1) Any person desiring to obtain the decision of the Ministry on Application any of the questions mentioned in sub-paragraphs (i) to (iv) of para- for graph (a) of subsection (1) of section 36 of the Act shall deliver or Ministry's decision and send to the Ministry an application for the purpose in writing in a procedure of approved by it and shall furnish such particulars as the Ministry thereon. may require for the purpose of the consideration and determination of any such question.

(2) The Ministry shall take steps to bring any such application and any such particulars to the notice of any person appearing to it to be interested therein and to obtain from such person such particulars within such time and in such form as it considers reasonably necessary for the purpose of the determination of the question.

(3) The Ministry may, if it thinks fit, before determining the question, appoint a person to hold an inquiry into the question or any matters arising in connection therewith and to report to it thereon, and any person so appointed may by summons require persons to attend at any such inquiry to give evidence or to produce documents reasonably required for the purpose of the inquiry, and may take evidence on oath and for that purpose administer oaths.

(4) Reasonable notice of the date and place of the holding of such inquiry shall be given to the applicant and any persons notified of the application in accordance with paragraph (2) of this regulation and the procedure at an inquiry shall, subject to this regulation, be such as the person appointed to hold the inquiry shall determine.

(5) The Ministry shall give notice in writing of its decision to the applicant and to any persons appearing to it to be interested therein and may publish its decision in such manner as it thinks fit, and the applicant and any such person as aforesaid shall, on request, be furnished with such a statement of the grounds of the decision as will enable him to determine whether any question of law (not being a question which has been referred to the Supreme Court in accordance with subsection (1) of section 37 of the Act) has arisen upon which he may wish to appeal.

3. The provisions of these regulations shall apply with the necessary modifications to any case in which—

(a) a question has been raised with a view to the review of any decision of the Ministry given in accordance with this section of this Part of these regulations; or

(b) a question such as is mentioned in paragraph (1) of regulation 2 is referred to the Ministry—

(i) under subsection (3) of section 71 of the Act (which subsection provides for the reference of such questions for decision by the Ministry where the decision thereof is necessary for the determination of any proceedings by a court); or

(ii) under section 48 of the Act (which provides for the reference by an insurance officer of any such question for determination where such question arises on the consideration of any claim or question).

4. In the event of the Ministry determining in accordance with subsection (1) of section 37 of the Act, to refer any question of law to the Supreme Court, it shall send notice in writing of its intention so to do to the applicant and to any other person appearing to it to be interested therein.

Procedure on application for review or on reference by the court or by the insurance officer.

Notice of reference of a question of law.

Section B. Questions required to be determined in accordance with section 36 (x) (b) of the Act

5. The provisions of section 5 of the Family Allowances Act (Northern Ireland), 1945, and of the regulations made thereunder shall apply to the determination of any such question as is mentioned in paragraph (b) of subsection (x) of section 36 of the Act, subject to the qualification that, for that purpose and for that purpose only—

Modification of the Family Allowances Act (Northern Ireland), 1945.

- (a) regulation 2 of the Family Allowances (References) Regulations (Northern Ireland), 1946, shall be modified to the extent that an application for a reference shall be sent in the first instance to the Ministry, and shall be forwarded by the Ministry to the Registrar of Appeals under the said Act as soon as may be practicable; and
- (b) regulation 8 of the last-mentioned regulations shall be modified to the extent that the copy of the decision of the umpire, which under the said regulation 8 is to be sent by the Registrar of Appeals to the applicant, shall be sent in the first instance to the Ministry and shall be forwarded by the Ministry to the applicant as soon as may be practicable.

Section C. Disablement questions

6.—(1) The disablement questions arising in any case shall be referred for determination to a medical board constituted in accordance with section 38 of the Act, and, except as hereafter provided in this regulation, such medical board shall consist of two members:

Constitution of medical boards.

Provided that a person shall not act as a member of a medical board if—

- (a) he is or may be directly affected by the case in which such questions arise;
 - (b) he has taken any part in such case as a medical assessor or as a medical practitioner who has regularly attended the claimant or beneficiary or to whom any question has been referred for examination and report or as an employer or as a witness.
- (2) A medical board shall not determine any questions so referred to them if—
- (a) any member thereof is unable to be present at the consideration of any such question; or
 - (b) the medical board, being a board consisting of two members, are unable to reach a unanimous decision on any such question.
- (3) In any case in which, by reason of the foregoing provisions of this regulation, a medical board are unable to determine any question which has been referred to them, the reference to that board shall be revoked and the questions arising in that case shall forthwith be referred to another medical board:

Provided that, in a case to which sub-paragraph (b) of the preceding paragraph relates, the reference shall be to a medical board consisting of three members, whose decision, if not unanimous, shall be that of the majority of such members.

Reference to a single medical practitioner in lieu of to a medical board.

7.—(1) For the purposes of the provisions of section 41 of the Act (which relates to the reference of disablement questions to a single medical practitioner) and notwithstanding anything in the foregoing provisions of these regulations, the disablement questions arising in any case may, with the consent of the claimant or beneficiary, be referred to a single medical practitioner appointed by the Ministry instead of to a medical board.

(2) The provisions of the next two following regulations shall apply to the proceedings on a reference to a single medical practitioner in accordance with the preceding paragraph, as if such practitioner were a medical board constituted in accordance with the Act, or the chairman of such a board, as the case may be.

(3) If a medical practitioner to whom any questions have been referred in accordance with paragraph (1) of this regulation is of the opinion that a final assessment can be made but that the period which should be taken into account by such assessment would exceed three months, he shall, in lieu of himself determining such questions, make a report in writing stating his opinion and the grounds therefor, and thereupon the reference to the single medical practitioner shall be revoked and the disablement questions arising in the case shall be referred to a medical board constituted under the Act, to whom a copy of such report shall be made available.

Notice of sitting and procedure of medical boards.

8.—(1) Reasonable notice of the time and place at which a medical board will sit for the consideration of any case shall be given to the claimant or beneficiary and if, after such notice has been given, the claimant or beneficiary should fail to appear at the sitting of the board, the board shall not proceed to determine the questions referred to them, without his consent.

(2) No person shall be entitled to be present during the consideration of any question by a medical board other than the claimant or beneficiary and any other person whom the medical board may, with the consent of the claimant or beneficiary, allow to be present as being a person who, in their opinion, is likely to assist them in the determination of that question.

Notice of decision of medical board.

9.—(1) A medical board shall in each case record their decision in writing in such form as may from time to time be approved by the Ministry and shall include in such record (which shall be signed by all the members of the board)—

(a) a statement of their findings on all questions of fact material to such decision; and

(b) in a case in which the decision of a medical board consisting of three persons was not unanimous, a statement that one of the members dissented and of the reasons given by him for so dissenting.

(2) As soon as may be practicable, the claimant or beneficiary shall be sent written notice of the decision of a medical board, and such notice shall be in such form as may from time to time be approved by the Ministry and shall contain a summary of the said findings of the board, including, where the decision was not unanimous, a statement that one of the members dissented and of the reasons given by him for so dissenting.

10.—(1) A person shall not act as a member of a medical appeal tribunal constituted under section 38 of the Act (hereafter in this Part of these regulations referred to as "a tribunal") for the purpose of the consideration of any case referred to such tribunal if he—

Constitution of medical appeal tribunals.

(a) is or may be directly affected by that case; or

(b) has taken any part in such case as a medical assessor or as a medical practitioner who has regularly attended the claimant or beneficiary or who has acted as a member of a medical board or to whom any question has been referred for examination and report or as an employer or as a witness.

(2) A tribunal constituted as aforesaid shall not proceed to determine any case so referred to them if any member thereof is unable to be present at the consideration of that case and where, by reason of this paragraph, a tribunal are unable to determine any case referred to them, the reference to that tribunal shall be revoked and the case shall forthwith be referred to another tribunal constituted as aforesaid.

11.—(1) An appeal by a claimant or beneficiary against a decision of a medical board shall be brought by giving notice of appeal to the Ministry within three months after notice of that decision has been given in accordance with regulation 9 or within such further period as the chairman of the tribunal may for good reason allow.

Notice of appeal and notification by the Ministry.

(2) A notice of appeal shall be in writing and shall contain a statement of the grounds upon which the appeal is made.

(3) For the purpose of securing the reference of a case to a tribunal in accordance with subsection (3) of section 39 of the Act where the Ministry is of the opinion that a decision of a medical board ought to be considered by a tribunal, the Ministry may notify the insurance officer of its opinion in that respect within three months or such longer period as the chairman of the tribunal may for good reason allow after the date of that decision.

Hearing of
appeals by,
and
procedure of,
medical
appeal
tribunals.

12.—(1) For the purpose of determining any case referred to them, a tribunal shall hold a hearing which shall be in public, except in so far as the chairman of the tribunal may for special reasons otherwise direct.

(2) Reasonable notice of the time and place at which a tribunal will hear a case shall be given to the claimant or beneficiary and to the Ministry, and, except with the consent of the claimant or beneficiary, the tribunal shall not proceed with the hearing unless such notice has been given.

(3) If a claimant or beneficiary to whom notice of hearing has been duly given in accordance with this paragraph should fail to appear at such hearing and has not given a reasonable explanation for his absence, the tribunal may proceed to determine the case referred to them or may give such directions with a view to the determination of the case as they may think proper.

(4) Where the tribunal are unable to reach a unanimous decision on any case referred to them, the decision of the majority of the members thereof shall be the decision of the tribunal.

Record and
notice of
decision of
a medical
appeal
tribunal.

13.—(1) A tribunal shall in each case record their decision in writing in such form as may from time to time be approved by the Ministry, and shall include in such record, which shall be signed by all the members of the tribunal, a statement of the reasons for their decision, including their findings on all questions of fact material to the decision.

(2) As soon as may be practicable the claimant or beneficiary shall be sent written notice of the decision of a tribunal, and such notice shall be in such form as may from time to time be approved by the Ministry and shall contain a summary of the record of that decision made in accordance with the foregoing paragraph.

PART III

Determination of claims and questions other than special questions

Notice of
insurance
officer's
decision.

14. If an insurance officer has determined that an award cannot be made or a question has been determined by him in whole or in part adversely to the claimant or beneficiary, as the case may be, the claimant or beneficiary shall be notified in writing of the decision and the reasons therefor and of his right of appeal therefrom.

Constitution
of local
appeal
tribunals.

15.—(1) For the purpose of the determination of any case referred to a local appeal tribunal (hereafter in this Part of these regulations referred to as "a local tribunal"), a local tribunal shall consist of—

- (a) one person drawn from a panel constituted by the Ministry of persons representing employers; and
- (b) one person drawn from a panel constituted by the Ministry of persons representing insured persons; and
- (c) a chairman appointed by the Ministry.

(2) Before appointing members to either of the panels referred to in the foregoing paragraph of this regulation, the Ministry may, where appropriate, take into consideration any recommendation from local committees representing employers or insured persons, or both, or from organisations concerned with the interests of employers or insured persons.

(3) The members of the panels shall hold office for such period as the Ministry may direct:

Provided that at any time the Ministry may terminate the appointment of any member of a panel.

(4) So far as practicable, each member of a panel shall be summoned to serve in turn upon a local tribunal:

Provided that no member of a panel shall serve as a member of a local tribunal during the consideration of a case—

(i) in which he appears as the representative of a claimant or beneficiary; or

(ii) by which he is or may be directly affected; or

(iii) in which he has taken any part as an official of an association of employed persons or as an employer or as a witness or as a person to whom any question arising thereon has been referred for examination and report or otherwise.

(5) A person appointed to act as chairman of a local tribunal shall hold and vacate office in accordance with the terms of his appointment.

(6) Where several persons are appointed to act as chairmen for a particular area they shall, as far as practicable, be invited to preside over a tribunal in turn.

16.—(1) In such cases as the chairman of the local tribunal may determine, a medical practitioner may sit with that tribunal as an assessor. Medical assessors.

(2) An assessor sitting with a local tribunal as aforesaid shall not take any part in the determination or decision of that tribunal except in an advisory capacity.

17.—(1) An appeal against a decision of an insurance officer shall be brought by giving notice of appeal to the Ministry within twenty-one days after the date of that decision or within such further time as the chairman of a local tribunal may for good cause allow. Notice of appeal and reference to a local appeal tribunal.

(2) A notice of appeal shall be in writing and shall contain a statement of the grounds upon which the appeal is made.

(3) Where an insurance officer refers a case to a local tribunal in accordance with the provisions of paragraph (b) of subsection (3) of section 45 of the Act, notice in writing of such reference shall be given to the claimant or beneficiary.

Hearings by local appeal tribunal and procedure at such hearings.

18.—(1) The hearing of any case referred to a local tribunal shall be in public except in so far as that tribunal for special reasons may otherwise direct.

(2) Reasonable notice of the time and place of the hearing shall be given to the claimant or beneficiary and to any other person who may appear to the chairman of the local tribunal to be an interested person and, except with the consent of the claimant or beneficiary, the tribunal shall not proceed with the hearing of any case unless such notice has been given.

(3) If a claimant or beneficiary or other person to whom notice of hearing has been duly given in accordance with these regulations should fail to appear at such hearing, and has not given a reasonable explanation for his absence, the local tribunal may proceed to determine the case notwithstanding the absence of the claimant or beneficiary or that other person, or may give such directions with a view to the determination of the case as they may think proper.

(4) Any case may, with the consent of the claimant or beneficiary but not otherwise, be proceeded with in the absence of any member of the local tribunal to which it has been referred, other than the chairman.

Decisions of local appeal tribunals.

19.—(1) The decision of the majority of the local tribunal shall be the decision of that tribunal and, if the number of members present is an even number, the chairman shall have a second or casting vote.

(2) There shall be added to the record of every decision of a local tribunal—

(a) a statement of the grounds of the decision; and

(b) if the decision was not unanimous; a statement that one of the members dissented and of the reasons given by him for so dissenting.

(3) As soon as may be practicable after a case has been decided by a local tribunal, a copy of the record of their decision made in accordance with subsection (2) of section 46 of the Act and this regulation shall be sent to the claimant or beneficiary and to the insurance officer and to any other person who appears to the local tribunal to be an interested person, and if the decision of the tribunal is in whole or in part adverse to the claimant or beneficiary he shall be informed of the conditions governing appeals to the umpire.

Application for leave to appeal and for extension of time for appealing.

20.—(1) Subject to the following provisions of this regulation, in a case in which leave to appeal against a decision of a local tribunal was not granted when the decision was given, application to such tribunal for such leave shall be made within three months of the decision:

Provided that any application to a local tribunal for such leave which at the end of the said period of three months has not been determined shall for the purpose of the next following paragraph be treated as having been refused by that tribunal.

(2) Where leave to appeal has been refused by a local tribunal, the person who applied for such leave may, within twenty-one days of the date of such refusal or such further time as the umpire may for special reason allow, make an application for such leave to the umpire.

(3) Where a person has not made an application to a local tribunal for leave to appeal against a decision of such local tribunal before the expiry of three months from the date of that decision, an application to the umpire by that person for such leave may only be made if it is combined with an application to the umpire for the extension of the time for appealing against that decision.

(4) Every application for leave to appeal against a decision of a local tribunal to which the foregoing provisions of this regulation apply and every application for the extension of the time for so appealing shall be in writing and in such form as the Ministry may from time to time approve and shall set out the grounds upon which such application is made.

21. An appeal against the decision of a local tribunal shall be brought by giving notice thereof in writing in a form approved by the Ministry stating the grounds of the appeal— Notice of appeal to the umpire.

(a) in the case of an appeal by an insurance officer, to the claimant or beneficiary and to any person appearing to the insurance officer to be an interested person; or

(b) in the case of an appeal by—

(i) a claimant or beneficiary; or

(ii) an interested person; or

(iii) an association of employed persons;

to the Ministry.

22.—(1) If any person to or by whom notice of appeal is given makes a request to the umpire for a hearing of the appeal, the umpire shall grant such request, unless, after considering the record of the case and the reasons put forward in the request for the hearing, he is satisfied that the appeal can properly be determined without a hearing, in which event he shall inform the claimant or beneficiary in writing and may proceed to determine the case without a hearing. Procedure before the umpire.

(2) If, in accordance with the provisions of the last foregoing paragraph, a request for a hearing has been granted, or if notwithstanding that no request has been made the umpire is otherwise satisfied that a hearing is desirable, reasonable notice of the time and place of the hearing shall be given to every person to or by whom notice of appeal was given and, if he thinks fit, to any other person appearing to the umpire to be an interested person.

(3) Every such hearing shall be in public, except in so far as the umpire for special reasons may otherwise direct.

(4) If any person to whom notice of hearing has been duly given should fail to appear either in person or by representative at the hearing, the umpire may proceed to determine the appeal notwithstanding the absence of such person or may give such directions with a view to the determination of the appeal as he thinks proper.

(5) If it appears to the umpire that any appeal which is made to him involves a question of fact of special difficulty, the umpire may direct that in dealing with the appeal or any part thereof he shall have the assistance of an assessor or assessors specially qualified and selected from a panel appointed for that purpose.

(6) The decision of the umpire shall be in writing and signed by him, and a copy thereof shall be sent as soon as may be practicable to the claimant or beneficiary and to any person appearing to the umpire to be an interested person.

Reference
of special
questions.

23.—(1) If on consideration of a claim or question, an insurance officer is of opinion that a special question arises, he may—

- (a) postpone the reference of or dealing with any question until after other questions have been determined; and
- (b) in cases where the determination of any question disposes of a claim or any part thereof, make an award or a decision that an award cannot be made as to the claim or that part thereof without referring or dealing with, or before the determination of, any other question.

(2) The foregoing provisions of this regulation shall apply to a local tribunal and the umpire as they apply to the insurance officer, except that a local tribunal or the umpire, instead of themselves or himself referring a special question for determination, shall direct it to be so referred by the insurance officer.

Review of
decisions of
insurance
officer,
local appeal
tribunal or
umpire.

24.—(1) A question may be raised with a view to the review of any decision of an insurance officer, a local tribunal or the umpire by means of an application in writing to an insurance officer and stating the grounds of the application:

(2) On receipt of any such application, the insurance officer shall proceed to deal with or refer any question arising thereon in accordance with the Act and these regulations:

Provided that where, in the opinion of the insurance officer, such application raises a question as to the review of an assessment of a medical board or a medical appeal tribunal and, by virtue of subsection (3) of section 40 of the Act, such assessment may not be reviewed without the leave of a medical appeal tribunal, the insurance officer

shall submit the application to a medical appeal tribunal so that such tribunal may consider whether such leave shall be granted and shall not refer the question to a medical board with a view to a review of that assessment unless that medical appeal tribunal grant such leave.

25.—(1) Any question of fact arising upon the consideration of any Local question by an insurance officer or a local tribunal may be referred by referees. the insurance officer or the chairman of the local tribunal, as the case may be, for previous examination and report to two persons who are persons resident in the neighbourhood in which the claimant or beneficiary resides (hereafter in this regulation referred to as "the local referees") and of whom one shall be drawn from the panel mentioned in sub-paragraph (a) of paragraph (1) of regulation 15 and one shall be drawn from the panel mentioned in sub-paragraph (b) of the said paragraph:

Provided that, if a question of fact has been so referred, the insurance officer or the local tribunal, as the case may be, may determine the question before him or them notwithstanding that the report of the local referees has not been received if there has elapsed reasonable time within which the referees could have submitted their report.

(2) If any question of fact shall be so referred, the local referees shall interview the claimant or beneficiary and shall report to the insurance officer or the local tribunal, as the case may be, stating their findings of fact upon the question so referred.

(3) If the local referees do not agree upon their report each referee shall make a separate report.

(4) Any question of fact so referred may, with the consent of the claimant or beneficiary but not otherwise, be proceeded with, in the absence of one of the two local referees, by the other referee; who shall interview the claimant or beneficiary and report upon the question of fact referred.

(5) No member of one of the panels referred to in paragraph (1) of the said regulation 15 shall act as a local referee if he is a person who would be prevented, by the provisions of the proviso to paragraph (4) of the said regulation 15, from serving upon a local tribunal during the consideration of the case of the claimant or beneficiary.

PART IV

Miscellaneous provisions

26.—(1) For the purpose of the determination of any question by the Ministry, an insurance officer or an insurance tribunal—

(a) the Ministry, the insurance officer or the insurance tribunal, as the case may be, may refer to a medical practitioner for examination and report any question arising for its, his or their decision;

Miscellaneous powers of Ministry, insurance officer and insurance tribunal.

(b) subject to the provisions of the Act and these regulations, the procedure on the determination of any question by the Ministry or the insurance tribunal shall be such as the Ministry or such insurance tribunal, as the case may be, shall determine.

(2) For the purpose of arriving at their decision or discussing any question of procedure at any sitting or hearing, a medical board, a medical appeal tribunal or a local appeal tribunal, as the case may be, shall, notwithstanding anything in these regulations, order all persons not being members of or the person acting as clerk to the board or such tribunal, to withdraw from such sitting or hearing.

(3) Any power given by these regulations to extend the period during which anything is required to be done under these regulations or to dispense with any of the requirements thereof may be exercised in any case, notwithstanding that the period during which the thing is required to be done has expired.

Right of audience and representation.

27.—(1) Subject to paragraph (2) of this regulation, the following shall have the right to be heard:—

- (a) at a hearing by the umpire—
 - (i) the claimant or beneficiary;
 - (ii) an association by whom the appeal is brought;
 - (iii) any interested person;
 - (iv) an insurance officer;
 - (v) any person nominated by the Ministry;
- (b) at a hearing by a local appeal tribunal—
 - (i) the claimant or beneficiary;
 - (ii) any interested person;
 - (iii) an insurance officer;
 - (iv) any person nominated by the Ministry;
- (c) at the proceedings of a medical board or a single medical practitioner acting in place of a medical board—
 - (i) the claimant or beneficiary;
 - (ii) any person admitted to such proceedings as being likely to assist the board;
- (d) at a hearing by a medical appeal tribunal—
 - (i) the claimant or beneficiary;
 - (ii) any person nominated by the Ministry;
- (e) at an inquiry held by the Ministry or any person appointed by it—
 - (i) the person making the application for the decision of the Ministry;

- (ii) any person appearing to the Ministry or the person holding the inquiry to be interested in the question which has arisen.

(2) Any person who, by virtue of the preceding paragraph of this regulation, has the right to be heard at any inquiry held by a person appointed by the Ministry, or at any hearing by a local appeal tribunal, a medical appeal tribunal or the umpire, may, and in the case of a body of persons corporate or unincorporated shall, be represented by some person duly authorised, and for the purposes of the proceedings at any such inquiry or hearing any such representative shall have all the rights and powers to which the person whom he represents is entitled under these regulations.

28. Subsection (2) of section 52 of the Act (which provides for treatment of payments made on account of benefit of one kind originally awarded as having been made on account of benefit of another kind awarded by a decision on review or appeal) shall have effect subject to and in accordance with the following provisions:—

Set-off of payment on account of one benefit against other benefit awarded on review or appeal.

- (1) Where a gratuity is awarded by a decision on review or appeal in lieu of a pension or allowance previously awarded, such decision shall direct that any payments made on account of such pension or allowance shall, in so far as they do not exceed the amount of that gratuity, be treated as being made on account thereof.
- (2) Where a pension or allowance is awarded by a decision on review or appeal in lieu of another kind of benefit previously awarded, that decision shall as respects any payments made on account of the benefit previously awarded—
 - (a) direct that in so far as the amount thereof does not exceed the amount of any arrears payable by way of the pension or allowance so awarded, such payments shall be treated as having been made on account of such arrears; and
 - (b) to the extent by which the amount thereof exceeds the amount of the said arrears, direct that such payments shall (except in so far as they are required to be repaid under subsection (4) of the said section 52) be treated as having been made on account of sums becoming payable after the date of the decision on review or appeal by way of the pension or allowance awarded thereby:

Provided that—

- (i) where the benefit originally awarded was a gratuity, a direction under this paragraph shall only relate to so much of the amount paid on account thereof as remains after deducting therefrom in respect of each week between the date as on which it was awarded and the date as from

which the pension or allowance awarded in lieu of that gratuity became payable, a sum equal to the weekly rate of such pension or allowance; and

- (ii) if the person or tribunal making the decision on review or appeal is satisfied that in obtaining and receiving payment of the benefit originally awarded the beneficiary acted in all respects in good faith, payments made on account of any benefit originally awarded shall not, by virtue of a direction under sub-paragraph (b) of this paragraph, be treated as having been made on account of any pension or allowance awarded on review or appeal, at a rate exceeding one half of the weekly rate of such pension or allowance, unless for special reasons the decision on review or appeal otherwise directs.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 25th day of June, 1948, in the presence of

L.S.

William Allen,

Assistant Secretary to the Ministry
of Labour and National Insurance
for Northern Ireland.

Employers' Liability Insurance (Modification) Order

ORDER IN COUNCIL DATED THE SIXTEENTH DAY OF NOVEMBER, 1948,
MADE UNDER SUB-SECTION (3) OF SECTION 88 OF THE NATIONAL
INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1948. No. 302

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND.

GRANVILLE

WHEREAS by sub-section (3) of Section 88 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, (a), it is provided that the Governor of Northern Ireland may by Order in Council make or authorise the making of such provision as appears to him to be necessary or expedient, having regard to the provisions of that section for modifying, in relation to employers' liability insurance business, the Assurance Companies Act, 1909, (b), or any Act passed before the appointed day amending that Act:

(a) 1946 c. 21.

(b) 9 Edw. 7. c. 49.